

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:21-CV-0564
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
)	
REAL PROPERTY LOCATED AT 100)	
MOUNTAIN VIEW DRIVE, MORELAND)	
HILLS, OHIO, <i>etc. et al.</i> ,)	
)	
Defendants.)	

JOINT MOTION FOR A TEMPORARY PARTIAL LIFT OF STAY ORDER

NOW COMES plaintiff, the United States of America, by and through Bridget M. Brennan, United States Attorney, and Henry F. DeBaggis, Assistant U.S. Attorney and Edmund W. Searby, counsel for Claimants Eyton Senders, Corner Green LLC, N. Laurel Avenue Property Holdings LLC, ES Global Real Estate Holdings LLC and 100 Mountain View LLC and respectfully move the Court for a temporary partial lift of the Stay Order entered in this matter on July 22, 2021. (R. 31: Order, PageID 224).

The government and counsel for Claimant Eyton Senders, Corner Green LLC, N. Laurel Avenue Property Holdings LLC, ES Global Real Estate Holdings LLC and 100 Mountain View LLC, have reached an agreement which is believed to be in the best interest of the parties as it

relates to claims made by these Claimants to real property; specifically, relating to the following real properties:

1. REAL PROPERTY LOCATED AT 100 MOUNTAIN VIEW DRIVE, MORELAND HILLS, OHIO, CUYAHOGA COUNTY PERMANENT PARCEL NOS: 913-06-001, 913-06-005;
2. REAL PROPERTY LOCATED AT 2664 SOUTH GREEN ROAD, SHAKER HEIGHTS, OHIO, CUYAHOGA COUNTY PERMANENT PARCEL NO. 734-03-026;
3. REAL PROPERTY LOCATED AT 2104 SOUTH GREEN ROAD, SOUTH EUCLID, OHIO, CUYAHOGA COUNTY PARCEL NO. 703-22-020;
4. REAL PROPERTY LOCATED AT 2110 SOUTH GREEN ROAD, SOUTH EUCLID, OHIO CUYAHOGA COUNTY PARCEL NO. 703-22-019;
5. VACANT RESIDENTIAL LOT LOCATED ON SOUTH GREEN ROAD, SOUTH EUCLID, OHIO, CUYAHOGA COUNTY PARCEL NO. 703-22-021; and
6. REAL PROPERTY LOCATED AT 952 N LAUREL AVENUE, LOS ANGELES, CALIFORNIA, LOS ANGELES COUNTY AIN 5529-023-023.¹

In order to avoid continued maintenance, taxes, security and insurance on the above real properties, the parties have agreed it would be in their mutual best interest if the above defendant real properties were sold through interlocutory sales by the U.S. Marshal. Thereafter, the sale proceeds would be substituted for the respective real property as cash defendants for each named real property. The parties seek a temporary partial lift of the Stay Order so the government may file a motion for the interlocutory sale of the above properties.

The parties agree that the requested temporary partial lift of the Stay Order will not affect any other aspect of this litigation including the triggering of any other pleading requirements, including the necessity for the above Claimants to file Answers to the Complaint. Further, the

¹ The only defendant real property which is excluded from this request since it is claimed by Claimant Justen Balay is the defendant property at 806 N. Vista Street, Los Angeles, California.

parties agree that the within joint motion shall not be construed as an admission as to the merit or lack of merit of any allegation or claim. In addition, the government intends to resolve any liens/claims made on any of the respective defendant real properties in coordination with the interlocutory sales by the U.S. Marshal.

The government further independently moves for a temporary partial lift of the Stay Order so the government may move for a default judgment on the following defendant properties:

1. 1996 PORSCHE 911 TURBO, BLACK IN COLOR, VIN: WP0AC2991TS376255;
and
2. 2019 NAUTIQUE G25 BOAT, HIN: CTC95115K819, WITH A 2019 EXTREME
BOAT TRAILER, VIN: 5DBBB2734KZ005090.

Despite notice, no claims have been made to these defendant properties; consequently, a default motion is appropriate at this time.

WHEREFORE, the United States and Claimants Eyton Senders, Corner Green LLC, N. Laurel Avenue Property Holdings LLC, ES Global Real Estate Holdings LLC and 100 Mountain View LLC respectfully submit the within Joint Motion for a Temporary Partial Lift of Stay Order.

Respectfully submitted,

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